

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

v.

* Criminal No.: 1:19-CR-00438-RDB-1

JAMIE CLEMONS

*

* * * * *

MOTION TO DISMISS INDICTMENT WITHOUT PREJUDICE PURSUANT TO
RULE 48 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

Now comes Jamie Clemons by Howard L. Cardin and Cardin & Gitomer, P.A. and David N. Mabrey, his attorneys, and moves this Honorable Court to dismiss the above indictment for the reason that there is extensive delay in bringing the case to trial. In support of this motion, Counsel submits the following:

Rule 48. Dismissal, Paragraph (b) provides

“(b) **By The Court.** The court may dismiss an indictment, information, or complaint if unnecessary delay occurs in:

(3) bringing a defendant to trial.”

As a result of extensive delay, the Defendant through Counsel is requesting that this Court dismiss the indictment without prejudice. Pursuant to *United States v. Goodson*, 204 F.3d 508 (4th Cir. 2000) this Court has the authority to dismiss the indictment without prejudice; the Government being able to file new charges when the case is capable of being tried. Counsel does point out to the Court that a Motion to Dismiss on Speedy Trial grounds has been denied as well as a recent Motion to Set Conditions of Release.

Counsel submits to this Court that the dismissal of the indictment without prejudice would resolve all current issues and would not prejudice the Government in prosecuting the case at

the appropriate time. Dismissal of the indictment would also assist in preparation of the case by the defense as well as the Government; it would avoid the continued expense of arrangements being made for out of State witnesses and dealing with their calendars.

For these reasons the Court is requested to exercise its authority under Rule 48 and dismiss the charges without prejudice.

/S/

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CERTIFICATE OF MAILING

I hereby certify that on this 4th day of December, 2020, I filed the above electronically with the Clerk of the United States District Court using CM/ECF with copies to all counsel of record.

/S/

HOWARD L. CARDIN